

**RULES  
OF  
TENNESSEE DEPARTMENT OF HUMAN SERVICES  
FAMILY ASSISTANCE DIVISION**

**CHAPTER 1240-1-51  
PERIODS OF ELIGIBILITY**

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**1240-1-51-.01 ELIGIBILITY FOR FAMILIES FIRST - TIME LIMITS.**

- (1) Receipt of Families First cash benefits will be limited to 60 months unless the assistance group meets certain exemptions and extensions, as specified in parts (3)(a) 1. and 2., and in paragraph (4) below.
  - (a) Assistance groups subject to the time limit in (1) above, a period of eligibility shall be limited to 18 months, which can be extended to a total of 24 months under circumstances, as specified in (3)(a) below.
  - (b) The 18 month and 60 month time limits can also be extended on a case-by-case basis where good cause exists or because of the failure of the Department to timely provide services as specified in (5)(c) below.
- (2) The calculation of the periods of eligibility will begin with the first full month after the month in which the parent/caretaker relative receives a Personal Responsibility Plan (PRP) to be signed.
- (3) An AG subject to the 18 month time limit which is terminated because good cause does not exist, after receiving Families First cash assistance for 18 months will be eligible to reapply no sooner than three months from the last month of receipt of Families First, with the following exception:
  - (a) The AG will not be subject to the three month waiting period if the caretaker was employed when the case was terminated, but subsequently loses the job through no fault of his/her own and the AG is otherwise eligible. In addition, extensions will be provided under the following conditions:
    1. Cash assistance will be extended one additional month, up to a maximum of six months, to all AGs residing in an economic hardship county, and the caretaker is in substantial compliance with the PRP at the time the decision is made.
      - (i) An economic hardship county is a county where the unadjusted unemployment rate for the most recently published month is more than twice the unadjusted unemployment rate for the state as a whole.
    2. Extensions and Re-Entry to Families First will be granted to AGs who have good cause:
      - (i) Good cause will be considered to exist when all of the following criteria are met:
        - (I) the participant is in compliance with the PRP at the time good cause is determined;

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- (II) the participant has been in substantial compliance with the PRP during the entire current period of eligibility (i.e., for the last eighteen (18) months or from the date of the PRP). In re-entry situations, this will be the most recent period of eligibility;
  - (III) the participant is not currently refusing employment or voluntarily quitting employment without good cause.
  - (IV) the AG's income, including the income of any sanctioned individual, is less than the following amount:
    - I. The SPA for the AG size, plus an amount where the total would be equal to Fifty Per Cent (50%) of the Standard of Need for the AG size when the AG reaches the end of an eighteen (18) month period of eligibility or re-enters Families First after closing due to the sixty (60) month time limit; or
    - II. For AGs that would close due to the sixty (60) months, time limit if not for good cause extension, the SPA for the AG size plus an amount where the total would be equal to seventy percent (70%) of the Standard of Need for the AG size for a maximum of six (6) months; then following the initial six (6) month extension:
      - A. The SPA for the AG size plus an amount where the total would be equal to sixty per cent (60%) of the Standard of Need for the AG size for a maximum of six (6) months; then following this second six (6) month extension:
      - B. The SPA for the AG size plus an amount where the total would be equal to 50% of the Standard of Need for the AG size thereafter.
- (b) An AG which loses eligibility for any reason prior to the 18 month time limit may reapply for Families First cash assistance without a waiting period, except that an AG which loses eligibility due to a work requirement or child support sanction prior to the 18 month time limit will not be eligible to reapply until after the sanction period ends.
- (4) Exemptions from Time Limited Assistance. The following AGs are exempted from the 18 and 60 month time limits for the periods the circumstances below exist:
- (a) AGs with no eligible adult in the AG. This exemption does not apply if the sole reason there is no adult in the AG is due to penalty or sanction.
  - (b) AGs in which the caretaker is age 60 or older;
  - (c) AGs in which the caretaker is disabled;
  - (d) AGs in which the caretaker must provide in-home care for a relative who lives in the home (e.g., parent, spouse, child) who is disabled and requires full-time care;
  - (e) AGs in which an adult has a functional literacy level of 8.9 or less until such time as that adult reaches a 9th grade literacy level and so long as the adult is enrolled at least 20 hours per week

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in an approved GED/ABE program and is making satisfactory progress in the approved education program, unless it is determined that, because the individual is mentally retarded, has a learning disability, or other learning limitation, participation in a GED/ABE program is inappropriate. If the individual with a functional literacy of 8.9 or less volunteers to engage in full-time employment in lieu of participating in a GED/ABE program, the exemption from the time limit and work sanctions will no longer apply.

- (5) Calculation of Months of Assistance. For the purpose of calculating the maximum months for which assistance can be received under the 18 and 60 month time limits, the following months will not count:
  - (a) Months in which Families First cash assistance was received as a dependent child by a caretaker who later makes application for Families First as an adult;
  - (b) Months in which Families First cash assistance is received by a minor parent as head of an AG until the month in which the minor parent reaches the age of 18 and has graduated from high school or, if not graduated, the graduation month of the class of which the minor is a member when he/she reaches age 18;
  - (c) Months for which it is determined that good cause exists for failure to participate in a work or work-related activity, including when the Department failed to provide necessary supportive services or work or work-related activity to make full participation possible. The calculation will resume in the first month in which good cause is no longer granted or the first month when the Department provides the needed support services or work activity as set forth in the individual's PRP. The calculation will resume even if the individual refuses to participate, if good cause does not exist for the nonparticipation;
  - (d) Months during which the AG is in a sanction status which results in no benefit being paid to the entire unit;
  - (e) Months during which a parent/caretaker in the AG had a medically verified incapacity;
  - (f) Months during which a parent/caretaker is participating in Vocational Rehabilitation activities;
  - (g) Months during which a parent/caretaker is participating in drug, alcohol, or mental health counseling; and
  - (h) Months during which the AG is fleeing domestic violence or abuse.
- (6) Substantial compliance will be determined to exist if the participant has not been sanctioned for a period greater than three months in the most recent 18 months and the participant corrected the sanctionable condition and has been in compliance since then.
- (7) The worker's finding that good cause exists for an extension of the 18 and 60 month eligibility period must be approved by the District Program Supervisor or another third level supervisor.

**Authority:** T.C.A. §§4-5-201 et seq., 4-5-202, 71-1-105, 71-1-105(12), 71-3-151 through 71-3-165, 71-3-154(d)(1)(B) and (c), 71-3-157(c)(1) and (f), Acts of 1996, Chapter 950, and 42 U.S.C.A. §1315; Federal Waiver of July 26, 1996 pursuant to §1115 of the Social Security Act. **Administrative History:** Original rule filed December 2, 1996; effective February 15, 1997. Amendment filed June 21, 2002; effective September 4, 2002. Amendment filed December 13, 2002; effective February 26, 2003.